



**COUNCILMEMBER DONNA FRYE**  
**City of San Diego**  
**Sixth District**

**MEMORANDUM**

**DATE:** March 21, 2006

**TO:** Council President Peters, Chair, Rules Committee

**FROM:** Councilmember Donna Frye

**SUBJECT:** Exemptions Under the City's Ethics Ordinance

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I respectfully request that you docket the matter of eliminating the exemptions from the City of San Diego's Ethics Ordinance Post-Employment Restrictions before the Rules Committee.

As you know, the city's Ethics Ordinance restricts the ability of former city employees to lobby the city for a one-year post-employment period. The rationales for this restriction include preventing city officials from working on a particular issue on behalf of the city and then "switching sides" to work on the same issue for the other side while the issue is still pending, requiring a one year "cooling off" period and preventing the "revolving door" phenomena.

The city excluded certain lobbying activities from this restriction, which includes any communications relating to collective bargaining agreements and memorandums of understanding between the city and its employee organizations, as well as any management decisions related to the working conditions of represented employees (SDMC Section 27.3503).

The City of San Diego's Labor Relations Manager has recently left the city to work with San Diego City Firefighters Local 145 as the Director of Labor Relations. He worked on all the recent labor negotiations and labor contracts and was privy to the city's confidential negotiation strategies, positions and information. He will now be representing the Firefighters Local 145 in the next round of negotiations. In effect, he will be "switching sides." This puts the city in a poor negotiating position and compromises our ability to negotiate on a level playing field.

As a result, I respectfully request that we remove these lobbying exemptions from the Ethics Ordinance to prevent this kind of conflict from happening in the future.

Thank you for your timely response to this matter.

DF/nc

CC: Honorable Mayor and Councilmembers  
Independent Budget Analyst, Andrea Tevlin  
City Attorney, Michael Aguirre